

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-594-RJC-DCK**

**BARBARA L. BLANKENSHIP,)
Plaintiff,)
)
v.))
)
**MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.))****

ORDER

THIS MATTER IS BEFORE THE COURT on the “Consent Motion For Entry Of Order Accepting The Parties’ Settlement Agreement On Attorney’s Fees” pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. Section 2412(d) (Document No. 16) filed February 28, 2011. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

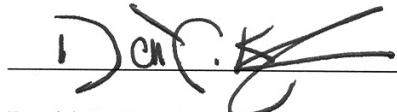
The parties agree in this case that Plaintiff should be awarded an attorney’s fee under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$5,570.00, and that pursuant to Comm’r of Soc. Sec. v. Ratliff, 560 U.S. ----, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. After the Court issues an order accepting the agreement and awarding EAJA fees to Plaintiff, the Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff’s counsel. The parties further agree that if the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff’s counsel.

The parties agree that this provides for full settlement in satisfaction of any and all claims for attorney's fees under EAJA.

IT IS, THEREFORE, ORDERED that the "Consent Motion for Entry of Order Accepting the Parties' Settlement Agreement on Attorney's Fees" is **GRANTED**. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

IT IS FURTHER ORDERED that Plaintiff's "Petition For Attorney's Fees And Costs" (Document No. 12) is **DENIED** as moot.

Signed: February 28, 2011



David C. Keesler
United States Magistrate Judge 